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Opening Statement Chairman Dan Burton Subcommittee on Human Rights and Wellness Committee on Government Reform Title: *"California's Compliance with Dental Amalgam Disclosure Policies."* Date: January 26, 2004

Good Afternoon. I would like to start off by thanking the University of Southern California, especially Michael Kloss and Susan Lynch, for their assistance in putting together today's hearing. We appreciate their efforts.

As Chairman of the House Committee on Government Reform and now Chairman of the Subcommittee on Human Rights and Wellness, I have led a two-year long effort to bring to the public's attention as well as the attention of my colleagues in Congress, to the dangers posed by mercury-containing medical and dental devices.

At previous hearings we have reviewed concerns about thimerosal in vaccines, and mercury-containing dental amalgams. In each case, credible witnesses provided testimony that links mercury in the human body to a variety of developmental and neurological disorders.

Mercury is a base element and the most toxic substance known to science outside of radioactive elements. It remains a base element even when mixed with other materials. Mercury is a substance that human beings were not designed to ingest, so the body does not have an effective filter or elimination system for it. Some of the mercury we ingest is eliminated through normal bodily functions, but much of it accumulates in the human body's tissue, including vital organs such as the brain.

The developing neurological systems of fetuses and young children are especially susceptible to damage by even the slightest trace amounts of mercury. And an increasing body of scientific evidence points to mercury toxicity as a source of neurological problems including, but not limited to, modest declines in intelligence quotient (IQ), tremors, attention deficit disorder (ADD), attention deficit hyperactivity disorder (ADHD), Alzheimer's disease and autism.

No one has ever identified a positive health benefit to mercury in the human body. Thus it was sound public health policy to eliminate mercury from thermometers, blood pressure gauges, light switches, cosmetics, teething powder, horse liniment, hat-making materials, smokestack emission, and mining operations. In fact, virtually every industry has either reduced or banned the use of mercury, with the exception of dentistry.

The amalgam fillings the American Dental Association so wrongly calls “silver” are mainly mercury, not silver at all. Mercury is the single largest ingredient in each filling, representing about 45 to 50-percent of the mercury by weight, or about one-half a gram per filling.

That is a colossal amount of mercury in scientific terms – as much as is in an old fashioned thermometer. For example, a young child with six amalgam fillings has the equivalent of six mercury thermometers worth of mercury in their mouth.

And dentists cannot honestly claim that they are not aware of the dangers of mercury. In fact, dentists take routine precautions against this potent neurotoxin. According to protocol, Mercury-containing amalgam scraps, and extracted teeth with amalgam fillings, must be stored in sealed jars under liquid until special hazardous materials recycler picks them up for safe disposal.

So, if dentists are aware of the dangers of mercury, then why is this toxic material still being used? The answer is that the dental establishment continues to hold to the scientific fiction that a material that is hazardous before it goes into the mouth, and hazardous after it comes back out of the mouth, is somehow perfectly safe while contained in the mouth.

The truth is that it is not. A scientific review of mercury-amalgams in 1993 conducted by the United States Public Health Service (PHS) demonstrated that mercury –amalgams continuously vaporize, and mercury vapor is then absorbed into the bloodstream and distributed throughout the human body. In addition, particles can and do chip off with regular chewing, grinding, and tooth-brushing, further adding to a person’s mercury load.

The PHS study conclusively showed that people with amalgam fillings have higher concentrations of mercury in their blood, urine, kidneys and brain than those without amalgams. If that is the case, how can anyone believe that dental amalgams are harmless?

There are readily available alternatives to mercury-containing fillings, and every dentist knows about them. Yet organized dentistry won’t act to eliminate this dangerous substance, this it is left to the patients to take the initiative. Unfortunately, most patients are still largely uninformed about the materials used to restore their teeth and the benefits and risks of each. And again, I believe the blame has to be laid at the feet of organized dentistry.

And there is no better proof of that than what has been happening here in California.

In 1986, the voters of California enacted Proposition 65, requiring posting of notices of toxins in a workplace or office. Soon thereafter, then Governor Deukmejian’s [duke may gee an] Administration listed mercury as a toxic substance which required Prop 65 postings.

Nothing happen until 1992, when the California Legislature passed the Watson Law, requiring the California Dental Board to produce a fact sheet to comply with Proposition 65 spelling out the risks and benefits of various filling materials.

Named after my good friend and the Ranking Minority Member of the Subcommittee, Ms. Diane Watson, who was a California State Senator at the time, the Watson Law was a simple, common-sense effort to ensure the public could make informed choices about their dental care. Ms. Watson has been a tireless advocate on this issue for many years and a staunch ally in Congress as this Subcommittee works to eliminate this dangerous threat to our public health and I thank her for all of her hard work

However, today, despite passage of Prop 65 and the Watson Law, Californians still are not able to get information from their dentist about the dangers of mercury amalgams. So far as the Subcommittee has been able to determine, the California Dental Board's only attempt thus far to actually issue a fact sheet occurred in 1993 and the effort was deemed by the California Department of Consumer Affairs to be "probably misleading." Regrettably, the Board has never corrected the problem.

In fact, the Board's refusal to implement the Watson Law led California State Senator Liz Figueroa [fig O row A] to sponsor legislation to dissolve the Board completely and constitute a new Dental Board. The law also mandated that the Watson Fact Sheet must be given to every dental patient.

Yet, under pressure from the California Dental Association, the new Dental Board has not been any more capable of producing a fact sheet than the old one.

That two Dental Boards have yet to create a simple consumer friendly fact sheet more than 17 years after implementation of Proposition 65 and 11 years passage of the Watson Law, is a grave disservice to the residents of California.

I personally believe that there is no more important function of government than doing everything in its power to protect the health and well-being of its citizens. When controversy and uncertainty exist, such as in this case, the least we should do is ensure that the public is adequately and objectively informed and given the option of choosing what materials are used to restore their teeth.

Today's hearing will focus on the lessons learned from, and the progress still being made here in California to implement full disclosure of adequate information to dental patients.

Dr. Chet Yokoyama, a member of the California Dental Board, former Chair of the California Dental Board Fact Sheet Committee, and a supporter of the Watson Law, is here this afternoon to testify about why the Dental Board has had such trouble complying with the Watson Law. Although Dr. Yokoyama is not speaking on behalf of the Board, nor has he been authorized to speak on behalf of the Board, I look forward to hearing his personal perspective on this issue.

I also look forward to hearing from Mr. Shawn Khorrami [core ra me], an attorney who led the recently successful fight in the California court system to force dentists to post a Proposition 65 warning in

their offices. While not as comprehensive as the fact sheet required by the Watson Law the Prop. 65 warning is at least an important step in the right direction.

Unfortunately, we've learned recently that the California Dental Association has tried to stymie even that modest level of public disclosure by lobbying against the warning on the grounds that it's deceptive. We asked the California Dental Association to participate in this hearing today but they declined to send a representative, preferring to send a written statement for the record instead. It is disappointing that they chose not to appear today to defend their record on this issue.

However, we will hear from Dr. Harold Slavkin [slav kin], Dean of the School of Dentistry here at the University of Southern California who can perhaps help us better understand organized dentistry's opposition to the elimination of mercury-containing amalgams.

California's population represents approximately one-eighth of the population of the United States. So, it not surprising that events here tend to have a ripple affect on similar activities and movements in other States throughout the country.

The Honorable Karen Johnson, a State Representative from Arizona is here today to talk about her efforts to pass legislation in Arizona similar to the Watson Law here in California. We appreciate her hard work and admire her efforts.

And last but not least, we will hear today from Mr. Parin [Pear in] Shah, Executive Director of Community Toolbox for Children's Environmental Health, concerning the environmental impact of dental amalgams.

When scraps of amalgam or old fillings are washed down the drain they can end up in our rivers, lakes and oceans and eventually into our drinking water. If the fillings do get caught in our wastewater treatment plants they settle into treatment plant sludge which either gets incinerated releasing the mercury directly into the atmosphere, or it gets spread out onto agricultural fields as fertilizer, contaminating the food chain. So, mercury amalgams are not just a public health hazard but an environmental one as well.

I want to thank all of our witnesses for being here this afternoon.